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c 49 Funeral Directors and Establishments Act, 1989

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CHAPTER 49

An Act respecting Funeral Directors and Establishments

Assented to October 16th, 1989

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“beneficiary” means a person for whom funeral services or supplies, or both, are to be provided under a contract or prepaid contract;

“Board” means the Board of Funeral Services;

“cemetery” means a cemetery within the meaning of the *Cemeteries Act, 1989*; 1989, c. 50

“Compensation Fund” means the Prepaid Funeral Services Compensation Fund established under the regulations;

“contract” means an agreement wherein a person provides or agrees to provide funeral services or supplies, or both or for the transportation of a dead human body, and includes prepaid contracts;

“depository” means a chartered bank, loan or trust company, Province of Ontario Savings Office or a credit union as defined in the *Credit Unions and Caisses Populaires Act*;

R.S.O. 1980,
c. 102

“Director” means a director appointed under the *Ministry of Consumer and Commercial Relations Act*;

R.S.O. 1980,
c. 274

“disbursements” means payments actually made by a funeral director or a person who operates a funeral establishment on behalf of a purchaser of funeral services or supplies, or both;

“embalming” means the preservation and disinfection of all or part of a dead human body by any means other than by refrigeration;

“equity share” means a share of a class of shares that carries a voting right either under all circumstances or under some circumstances that have occurred and are continuing;

“funeral” means a rite or ceremony in connection with the death of a person where the body is present;

“funeral director” means an individual who provides or directs the providing of funeral services;

“funeral establishment” means premises where funeral services are supplied;

“funeral services” means the care and preparation of dead human bodies and the co-ordination of rites and ceremonies with respect to dead human bodies, but does not include services provided by a cemetery or crematorium owner under the *Cemeteries Act, 1989*;

1989, c. 50

“funeral supplies” means goods that are used in connection with the care and preparation of dead human bodies or the disposition of dead human bodies;

“income” means the interest or money earned, including the compounding thereof, by the investment of funds received under a prepaid contract;

“licence” means a licence issued under this Act and “licensed” has a corresponding meaning;

“Minister” means the Minister of Consumer and Commercial Relations;

“prearrangement” means an arrangement for the provision of specific funeral services, supplies or transportation of a dead human body on the death of a person who is alive at the time the arrangement is made;

“prepaid contract” means an agreement whereby a person contracts with a purchaser to provide or make provision for funeral services, funeral supplies, or both, or for the transportation of a dead human body, including disbursements, upon the death of a beneficiary, if any payment for the contract is made prior to the death of the beneficiary or the purchaser enters into an insurance contract or plan under which a licensee is to receive directly or indirectly the pro-

ceeds of the insurance policy upon the death of the beneficiary;

“prepayment” means the payment or the guarantee of a payment pursuant to a prepaid contract;

“prepayment funds” means the money deposited in trust under the provisions of this Act and the income therefrom and includes the proceeds of an insurance policy received by a licensee;

“prescribed” means prescribed by the regulations;

“Registrar” means the Registrar of the Board;

“regulations” means regulations made under this Act;

“transfer service” means a service to the public with respect to the disposition of dead human bodies, including the transportation of dead human bodies and the filling out of the necessary documentation with respect to the disposition of dead human bodies;

“Tribunal” means The Commercial Registration Appeal Tribunal.

2.—(1) There shall be a Registrar appointed by the Board for the purposes of this Act. Registrar

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed on the Registrar by or under this Act under the supervision of the Board. Powers of Registrar

(3) The Registrar shall maintain one or more registers in which is entered, Registers

- (a) the name of every person licensed under this Act;
- (b) any conditions and limitations imposed on a licence by the Registrar, a Committee or the Tribunal;
- (c) the fact and date of each revocation, suspension, cancellation or termination of a licence;
- (d) the fact and amount of each fine imposed by the Discipline Committee, except if the Discipline Committee directs that no entry with respect to a fine be made;

- (e) the fact of each reprimand made by the Discipline Committee, except if the Discipline Committee directs that no entry with respect to the reprimand be made; and
- (f) such other information in addition to that set out in clauses (a) to (e) as is prescribed.

Inspection

(4) Any person has the right, during normal business hours, to inspect the registers maintained by the Registrar.

Copies

(5) The Registrar shall provide to any person, upon payment of a reasonable charge therefor, a copy of any part of the registers maintained by the Registrar.

Board
continued

3.—(1) The Board of Funeral Services, a body corporate, is continued as a corporation without share capital.

Principal
object

(2) The principal object of the Board is to regulate the practices of funeral directors and persons who operate funeral establishments and transfer services in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and protected.

Additional
objects

(3) For the purpose of carrying out its principal object, the Board has the following additional objects:

1. To establish, maintain and develop standards of knowledge and skill among funeral directors and persons who operate funeral establishments and transfer services.
2. To establish, maintain and develop standards of qualification and standards of practice for funeral directors and persons who operate funeral establishments and transfer services.
3. To establish, maintain and develop standards of professional ethics among funeral directors and persons who operate funeral establishments and transfer services.
4. To administer the Compensation Fund.
5. To oversee and inspect trust accounts that funeral establishments and transfer services are required by law to establish or maintain.
6. To mediate complaints between consumers and licensees.

7. To establish and develop standards for funeral establishments.

8. To perform such other duties and exercise such other powers as are imposed or conferred on the Board by or under any Act.

(4) For the purpose of carrying out its objects, the Board has the capacity and the powers of a natural person. Capacity and powers of Board

(5) The Board shall, Duties of Board

(a) review the operation of this Act and the regulations and make recommendations to the Minister thereon;

(b) approve or set courses of study and examinations for the qualification of applicants for licences; and

(c) carry out such duties as are prescribed.

4.—(1) The Board shall be composed of the following members appointed by the Lieutenant Governor in Council: Composition

1. A prescribed number of funeral directors, one of whom,

i. is not licensed to operate a funeral establishment,

ii. is not a director of a corporation that is licensed to operate a funeral establishment, and

iii. does not direct the operation of a funeral establishment.

2. A prescribed number of persons who are not funeral directors.

(2) The members of the Board shall be appointed to hold office for a term not exceeding three years and may be reappointed for further successive terms, but shall not be appointed or reappointed for more than six successive years. Term of office

(3) A vacancy on the Board caused by the death, resignation, removal or incapacity to act of a member may be filled by the appointment by the Lieutenant Governor in Council of a person to hold office for the unexpired portion of the term of office of such member. Vacancy

Quorum (4) Five members of the Board, at least two of whom shall be members appointed under paragraph 2 of subsection (1), constitute a quorum.

Officers (5) The Board shall appoint a chairperson and vice-chairperson and such other officers as are considered necessary from among the members of the Board.

Expenses and remuneration of members of Board (6) The members of the Board,
(a) appointed under paragraph 1 of subsection (1) shall be paid by the Board such expenses and remuneration as are prescribed; and
(b) appointed under paragraph 2 of subsection (1) shall be paid, out of the moneys appropriated therefor by the Legislature, such expenses and remuneration as are determined by the Lieutenant Governor in Council.

Staff (7) The Board may employ such employees and retain such assistance as is necessary to perform the work of the Board and may determine their salary, remuneration and terms and conditions of employment.

Meetings of Board (8) The Board shall meet at least four times a year.

Continuation of Board members (9) The members of the Board who were in office immediately before the coming into force of this Act are continued in office until the expiration of their terms or until their offices otherwise become vacant.

Annual report (10) The Board shall deliver to the Minister each year an annual report on the affairs of the Board and on the operation of the Compensation Fund.

Idem (11) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Powers of Minister **5.** The Minister may, in addition to any other powers and duties conferred on the Minister by or under any Act,

(a) review the activities of the Board;

(b) request the Board to undertake activities that, in the opinion of the Minister, are necessary and advisable to carry out the intent of this Act;

- (c) advise the Board with respect to the implementation of this Act and the regulations and with respect to the methods used or proposed to be used by the Board to implement policies and to enforce its by-laws and procedures.

6.—(1) The Board may pass by-laws relating to the administrative and domestic affairs of the Board not inconsistent with this Act and the regulations and, without limiting the generality of the foregoing, By-laws

1. specifying the seal of the Board;
2. providing for the execution of documents by the Board;
3. respecting banking and finance;
4. fixing the financial year of the Board and providing for the audit of the accounts and transactions of the Board;
5. respecting the calling, holding and conducting of meetings of the Board and committees of the Board and the duties of members of the Board and committees of the Board;
6. providing for a code of ethics;
7. delegating to the Executive Committee such powers and duties of the Board as are set out in the by-laws, other than the power to make, amend or revoke regulations and by-laws;
8. respecting the calling, holding and conducting of meetings of licensees;
9. providing for the use of forms;
10. providing procedures for the making, amending and revoking of the by-laws;
11. respecting management of the property of the Board;
12. providing for the appointment, composition, powers and duties of committees in addition to those committees established under subsection 7 (1);

13. respecting the application of the funds of the Board and the investment and reinvestment of any of its funds not immediately required, and for the safe-keeping of its securities;
14. respecting membership of the Board in other organizations, the payment of annual assessments and provision for representatives at meetings;
15. respecting the appointment of inspectors by the Registrar for the purposes of this Act;
16. providing for meetings of the Board and committees, except in a proceeding in respect of a licence, by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and a member of the Board or committee participating in a meeting in accordance with such by-law shall be deemed to be present in person at the meeting;
17. providing that the Board or a committee may act upon a resolution consented to by the signatures of all members of the Board or the committee except in a proceeding in respect of a licence, and a resolution so consented to in accordance with such a by-law is as valid and effective as if passed at a meeting of the Board or the committee duly called, constituted and held for that purpose;
18. providing for the payment of necessary expenses of the Board and committees of the Board in the conduct of their business;
19. providing for the Board to enter into arrangements on behalf of licensees with respect to the bonding of licensees and requiring the payment and remittance of premiums in connection therewith, setting levies that shall be paid by licensees and exempting licensees or any class thereof from all or any part of such levy;
20. providing for the establishment of group insurance plans, other than for professional liability, in which licensees may participate on a voluntary basis;
21. regarding such other matters as are entailed in carrying on the business of the Board.

(2) A copy of the by-laws made under subsection (1) and amendments thereto, Distribution of by-laws

- (a) shall be forwarded to the Minister;
- (b) shall be forwarded to each licensee; and
- (c) shall be available for public inspection in the office of the Board.

(3) At any time before or after receiving a copy of a by-law made under subsection (1), the Minister may, by an order in writing, revoke or amend the by-law. Minister may revoke or amend by-laws

(4) Despite subsection (3), a by-law is effective until so revoked or amended by the Minister and no act done or right acquired under any such by-law before revocation or amendment by the Minister is prejudicially affected by the revocation or amendment. Idem

7.—(1) The Board shall establish and appoint the following committees: Establishment of committees

1. Executive Committee.
2. Licensing Committee.
3. Complaints Committee.
4. Discipline Committee.
5. Compensation Fund Committee.

(2) The Board may establish such other committees in addition to those established under subsection (1) as the Board from time to time considers necessary. Idem

(3) If one or more vacancies occur in the membership of a committee, the members remaining constitute the committee so long as their number is not fewer than a quorum of the committee. Vacancies

8.—(1) The Executive Committee shall be composed of three persons who are members of the Board, one of whom shall be a person appointed under paragraph 2 of subsection 4 (1). Executive Committee

(2) The Board shall name one member of the Executive Committee to be chairperson. Chairperson

Quorum (3) Two members of the Executive Committee constitute a quorum.

Powers of Executive Committee (4) The Board may delegate to the Executive Committee the authority to exercise any power or perform any duty of the Board, other than to make, amend or revoke a by-law.

Urgent matters (5) Subject to ratification by the Board at its next ensuing meeting, the Executive Committee may take action upon any other matter that requires immediate attention between meetings of the Board, other than to make, amend or revoke a by-law.

Licensing Committee **9.**—(1) The Licensing Committee shall be composed of three persons who are members of the Board, one of whom shall be a person appointed under paragraph 2 of subsection 4 (1).

Chairperson (2) The Board shall name one member of the Licensing Committee to be chairperson.

Quorum (3) Two members of the Licensing Committee constitute a quorum.

Complaints Committee **10.**—(1) The Complaints Committee shall be composed of three persons who are members of the Board, one of whom shall be a person appointed under paragraph 2 of subsection 4 (1).

Chairperson (2) The Board shall name one member of the Complaints Committee to be chairperson.

Quorum (3) Two members of the Complaints Committee constitute a quorum.

Discipline Committee **11.**—(1) The Discipline Committee shall be composed of four members of the Board, two of whom shall be persons appointed under paragraph 2 of subsection 4 (1).

Chairperson (2) The Board shall name one member of the Discipline Committee to be chairperson.

Quorum (3) Three members of the Discipline Committee constitute a quorum.

Majority vote (4) All disciplinary decisions of the Discipline Committee require the vote of a majority of the members of the Discipline Committee present at the hearing.

(5) If the Discipline Committee commences a hearing and a member of the Discipline Committee is unable to continue to act, the remaining members may complete the hearing despite the absence of the member.

Disability of member

12.—(1) The Compensation Fund Committee shall be composed of three persons who are members of the Board, two of whom shall be persons appointed under paragraph 2 of subsection 4 (1).

Compensation Fund Committee

(2) The Board shall name one member of the Compensation Fund Committee to be chairperson.

Chairperson

(3) Two members of the Compensation Fund Committee constitute a quorum.

Quorum

13.—(1) The Licensing Committee shall consider all matters that are referred to it by the Registrar under section 22.

Powers and duties of Licensing Committee

(2) The Licensing Committee may make recommendations to the Registrar with respect to,

Recommendations

- (a) the eligibility of an applicant for a licence or a renewal of a licence;
- (b) issuing or refusing to issue a licence to an applicant for a licence or a renewal of a licence;
- (c) issuing a licence or a renewal of a licence to an applicant subject to conditions;
- (d) suspending or revoking the licence of a licensee;
- (e) the desirability of requiring an applicant for a licence or a renewal of a licence or a licensee to take and pass such additional training or part thereof that may be prescribed; or
- (f) exempting an applicant for a license or a renewal of a licence or a licensee from any licensing requirement.

14.—(1) The Complaints Committee shall consider and investigate complaints regarding the conduct or actions of any licensee, but no action shall be taken by the Complaints Committee under subsection (2) unless,

Duties of Complaints Committee

- (a) a written complaint has been filed with the Registrar and the licensee whose conduct or actions are being investigated has been notified of the com-

plaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations the licensee may wish to make concerning the matter; and

- (b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

Idem

(2) The Complaints Committee in accordance with the information it receives may,

- (a) consider all or part of the matter;
- (b) direct that all or part of the matter be referred to the Discipline Committee; and
- (c) subject to subsection (9), take or recommend such action that it considers appropriate in the circumstances and that is not inconsistent with this Act, the regulations or the by-laws.

Decisions
and reasons

(3) The Complaints Committee shall advise the Registrar in writing of the action it proposes to take or recommend and its reasons therefor.

Notice

(4) Subsections (3) and (6) do not apply to a matter that is referred to the Discipline Committee.

Hearing

(5) The Complaints Committee is not required to hold a hearing or to afford any person an opportunity for a hearing or to make oral submissions before it prior to it taking action or making a recommendation under this section.

Notice

(6) The Registrar shall send to the complainant and to the person complained against by prepaid first class mail a copy of the proposal of the Complaints Committee and its reasons therefor, if any, together with notice that informs the person to whom it is sent that the person is entitled to a hearing by the Tribunal if the person mails or delivers to the Registrar and to the Tribunal, within fifteen days after the notice is served on the person, notice in writing requiring a hearing and the person may so require such a hearing.

No hearing

(7) If a complainant or the person complained against does not require a hearing by the Tribunal, the Complaints Committee may carry out the proposal stated in the notice to the complainant or the person complained against.

(8) If the complainant or the person complained against requires a hearing, the Tribunal shall appoint a time for and hold a hearing. Hearing

(9) After holding a hearing, the Tribunal may by order direct the Complaints Committee to carry out the proposal or refrain from carrying out the proposal and to take such action as the Tribunal considers the Complaints Committee ought to take in accordance with this Act and the regulations and, for such purposes, the Tribunal may substitute its opinion for that of the Complaints Committee. Order

(10) The Tribunal may attach such conditions to its order as it considers proper to give effect to the purposes of this Act. Conditions

(11) The Registrar, the person who required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section. Parties

15. Despite subsection 14 (1), the Board or the Executive Committee may direct the Discipline Committee to hold a hearing and determine any allegation of professional misconduct or incompetence on the part of a funeral director. Reference by Board or Executive Committee

16.—(1) The Discipline Committee shall, Duties of Discipline Committee

- (a) when so directed by the Board, Executive Committee or Complaints Committee, hear and determine allegations of professional misconduct or incompetence against a funeral director;
- (b) hear and determine matters referred to it by the Board, Registrar, Executive Committee or Complaints Committee under this Act with respect to funeral directors; and
- (c) perform such other duties as are assigned to it by the Board.

(2) A funeral director may be found guilty of professional misconduct by the Discipline Committee if, Professional misconduct

- (a) the funeral director has been found guilty of an offence that is relevant to the funeral director's suitability to practise as a funeral director, upon proof of such conviction; or
- (b) the funeral director has been guilty in the opinion of the Discipline Committee of professional misconduct as prescribed.

Incompetence (3) The Discipline Committee may find a funeral director to be incompetent if in its opinion,

- (a) the funeral director has displayed in the providing or in directing the providing of funeral services or funeral supplies or in performing or supervising the performing of an embalming, a lack of knowledge, skill or judgment of a nature or to an extent that demonstrates the funeral director is unfit to continue as a funeral director;
- (b) the funeral director is suffering from a physical or mental condition or disorder of a nature and extent that makes it desirable in the interest of the public that the funeral director no longer be permitted to continue as a funeral director.

Examinations (4) If the Discipline Committee is required to hear and determine allegations of incompetence under clause (3) (b), the Discipline Committee may require the funeral director who is the subject of the hearing to submit to a physical or mental examination, or both, by such persons as the Board designates.

Suspension of licence (5) If a funeral director fails to submit to an examination required under this section, the Discipline Committee may order that the licence of the funeral director be suspended until the funeral director submits to the examination.

Evidence (6) A legally qualified medical practitioner who conducts a physical or mental examination required under this section is not compellable to produce at the hearing his or her case histories, notes or any other records that may constitute medical evidence.

Report (7) A person who conducts an examination under this section shall upon completing the examination forthwith prepare and deliver to the Registrar a report that contains facts, findings and conclusions and suggested treatment, if any.

Idem (8) A report that is prepared as a result of an examination that is conducted under this section shall be delivered by the Registrar to the funeral director,

- (a) if the examination is required prior to the hearing, at least five days prior to the commencement of the hearing; or

- (b) if the examination is required during the course of the hearing, at least five days prior to its introduction as evidence.

(9) A report that is prepared as a result of an examination that is conducted under this section is receivable as evidence without proof of its making or the signature of the person making the report. Idem

(10) A party to the hearing who is not tendering a report as evidence has the right to summon and cross examine the person who made the report on the contents of the report. Right to cross examine

(11) If the Discipline Committee finds a funeral director guilty of professional misconduct or incompetence, it may by order do any of the following things or any combination of the following things: Powers of Discipline Committee

1. Revoke the licence of the funeral director.
2. Suspend the licence of the funeral director for a stated period.
3. Impose restrictions on the licence of the funeral director for a period and subject to the conditions specified by the Discipline Committee.
4. Reprimand the funeral director.
5. Impose such fine as the Discipline Committee considers appropriate to a maximum of \$10,000 to be paid by the funeral director to the Treasurer of Ontario for payment into the Consolidated Revenue Fund.
6. Direct that the imposition of a penalty be suspended or postponed for the period and upon the terms specified by the Discipline Committee.

(12) If the Discipline Committee imposes a fine or reprimands a funeral director, the Discipline Committee may direct that the fine or the reprimand not be entered in the applicable register. Entry on register

(13) If the Discipline Committee is of the opinion that the commencement of the proceedings was unwarranted, the Committee may order that the Board reimburse the funeral director for the funeral director's costs or such portion thereof as the Discipline Committee fixes. Costs

Stay on
appeal for
incompetence

(14) If the Discipline Committee revokes, suspends or restricts a licence on the grounds of incompetence, the decision takes effect immediately despite the fact that an appeal is taken from the decision, unless the Tribunal otherwise orders and, where the Tribunal is satisfied that it is appropriate in the circumstances, the Tribunal may so order.

Stay on
appeal for
professional
misconduct

(15) If the Discipline Committee revokes, suspends or restricts a licence on grounds other than for incompetence, the order does not take effect until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned, unless the Discipline Committee otherwise orders, and, where the Committee considers that it is appropriate for the protection of the public, the Committee may so order.

Service of
decision of
Discipline
Committee

(16) If the Discipline Committee finds a funeral director guilty of professional misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the funeral director.

Continuation
on expiry of
Committee
membership

(17) If a proceeding is commenced before the Discipline Committee and the term of office on the Board or on the Committee of a member sitting for the hearing expires or is terminated before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if his or her term of office had not expired or been terminated.

Parties to
discipline
proceedings

17.—(1) In proceedings before the Discipline Committee, the Board and the funeral director whose conduct is being investigated in the proceedings are parties to the proceedings.

Examination
of
documentary
evidence

(2) A funeral director whose conduct is being investigated in proceedings before the Discipline Committee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members
holding
hearing not
to have
taken part in
investigation,
etc.

(3) Members of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing other than as a member of the Board considering the referral of the matter to the Discipline Committee or at a previous hearing of the Committee.

(4) Members of the Discipline Committee shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or representative of a party except upon notice to and opportunity for all parties to participate. No communication

(5) The Discipline Committee may seek legal advice from an adviser independent from the parties and, in such case, the nature of the advice shall be made known to the parties in order that they may make submissions as to the law. Advice

(6) The oral evidence taken before the Discipline Committee shall be recorded and, if so required, copies or a transcript thereof shall be furnished only to the parties at the cost to the parties. Recording of evidence

(7) Documents and things put in evidence at a hearing of the Discipline Committee shall, upon the request of the person who produced them, be released to the person by the Committee within a reasonable time after the matter in issue has been finally determined. Release of documentary evidence

18.—(1) A party to proceedings before the Discipline Committee may appeal from its decision or order to the Tribunal. Appeal to Tribunal

(2) Subsections 14 (6) to (11) apply with necessary modifications to an appeal to the Tribunal from a decision or order of the Discipline Committee. Application

19.—(1) No person shall act or imply that the person is available to act as a funeral director unless the person is licensed to do so. Licence required

(2) No person shall operate or imply that the person is available to operate a funeral establishment unless the person is licensed to do so. Idem

(3) No person shall operate or imply that the person is available to operate a transfer service unless, Idem

(a) the person is licensed to do so; or

(b) the person is licensed to operate a funeral establishment and the transfer service is operated as part of the normal operation of the funeral establishment.

(4) No person other than a funeral director who is licensed to do so shall perform or imply that the person is available to perform embalming. Idem

Place of
business

(5) No person shall operate a funeral establishment or transfer service except at a place that is named in the licence of the person.

Funeral
services

(6) No funeral director shall offer funeral services except through a licensed funeral establishment.

Idem

(7) No funeral director shall offer funeral services to the public except through an operator of a funeral establishment who is licensed to do so.

Funeral
establishment

(8) No operator of a funeral establishment shall employ a person as a funeral director unless the person is licensed as a funeral director.

Direction and
management

(9) Every operator of a funeral establishment shall ensure that the funeral establishment is managed and directly supervised by a funeral director who is responsible for the conduct or misconduct of any person to whom the funeral director delegates responsibilities.

Idem

(10) No funeral director shall manage and directly supervise the operation of more than one funeral establishment except as prescribed.

Corporation

(11) Each corporation that is licensed to operate a funeral establishment shall ensure that at least one of the directors of the corporation is a funeral director.

Exceptions

(12) Subsections (1) and (4) do not apply,

- (a) to a student in a training program who is working under the supervision and in the presence of a funeral director; or
- (b) to a student who is enrolled in a recognized course of funeral services education and who is working under the supervision and in the presence of the instructor of the course.

Idem

(13) Subsection (4) does not apply to a person employed in a recognized school of medicine or anatomy while so employed.

Application

20.—(1) A person may apply to the Registrar for a licence to operate a funeral establishment or to operate a transfer service.

(2) A person who has successfully completed the educational requirements that are prescribed may apply to the Registrar for a licence as a funeral director. Idem

(3) An applicant is entitled to a licence or a renewal of a licence as a funeral director or to operate a funeral establishment or to operate a transfer service except if, Requirement

- (a) the applicant cannot reasonably be expected to be competent or financially responsible in the conduct of the applicant's business;
- (b) the past or present conduct of the persons referred to in subsection (4) affords reasonable grounds for belief that the applicant will not operate in accordance with the law and with integrity and honesty;
- (c) the applicant or an employee or agent of the applicant makes a false statement or provides a false statement in an application for a licence;
- (d) the applicant is carrying on activities that are, or will be if the applicant is licensed, in contravention of this Act or the regulations;
- (e) the applicant will, if licensed, be carrying on activities under this Act and the regulations that are in contravention of another Act or a municipal by-law; or
- (f) in the case of a corporation that operates a funeral establishment, no director of the corporation is a funeral director.

(4) Clause (3) (b) applies to the following persons:

Idem

- 1. The applicant.
- 2. An officer or director of the applicant.
- 3. A person holding more than 10 per cent of the equity shares of the applicant or an officer or director of such person.
- 4. Any person having a beneficial interest in the operation of the business of the applicant or licensee.

(5) The Registrar shall issue a licence as a funeral director, to operate a funeral establishment or to operate a transfer service, as the case requires, to every applicant therefor who Issue

pays the fee that is prescribed, complies with this Act and the regulations and is not disentitled under subsection (3).

Conditions

(6) A licence is subject to such conditions as may be consented to by the applicant, imposed by the Tribunal or prescribed.

Refusal to issue

21.—(1) Subject to section 22, the Registrar may refuse to issue a licence to an applicant if the applicant is not entitled to a licence under subsection 20 (3).

Refusal to renew

(2) Subject to section 22, the Registrar may refuse to renew or may suspend or revoke a licence,

- (a) for any reason that would disentitle the licensee to a licence under subsection 20 (3) if the licensee were an applicant;
- (b) if the licensee is in breach of a condition of the licence; or
- (c) if the licensee is a corporation and the shareholders of the corporation have changed in the manner and to the extent prescribed.

Fees

(3) Subject to section 22, the Registrar shall refuse to issue or renew a licence if the applicant has not paid the fee that is prescribed.

Proposal

22.—(1) If the Registrar proposes to refuse to issue or renew a licence, proposes to issue a licence subject to conditions or proposes to suspend or revoke a licence, the Registrar shall serve notice of the proposal, together with written reasons therefor, on the applicant or the licensee.

Notice

(2) A notice under subsection (1) shall inform the applicant or licensee that the applicant or licensee is entitled to a hearing by the Tribunal if the applicant or licensee mails or delivers to the Registrar and to the Tribunal, within fifteen days after the notice is served on the applicant or licensee, notice in writing requiring a hearing and the applicant or licensee may so require such a hearing.

No hearing

(3) If an applicant or licensee does not require a hearing by the Tribunal, the Registrar may carry out the proposal stated in the notice to the applicant or licensee.

Hearing

(4) If an applicant or licensee requires a hearing, the Tribunal shall appoint a time for and hold a hearing.

(5) After holding a hearing, the Tribunal may by order direct the Registrar to carry out the proposal or refrain from carrying out the proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Order

(6) The Tribunal may attach such conditions to its order or to the licence as it considers proper to give effect to the purposes of this Act.

Conditions

(7) The Registrar, the applicant or licensee who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Parties

(8) The Registrar may cancel a licence upon the request in writing of the licensee and the surrender of the licence by the licensee.

Cancellation

(9) The Registrar may refer any matter that deals with licensing to the Licensing Committee for their recommendations.

Referral

23.—(1) A person who is refused a licence or who is refused a renewal of a licence may apply in writing to the Registrar for the issuance of a licence only if at least one year has passed since the refusal.

Application

(2) A person whose licence is revoked under this Act or whose registration was cancelled under a predecessor of this Act may apply in writing to the Registrar for the issuance of a licence only if at least one year has passed since the revocation or cancellation.

Idem

(3) A person whose licence is suspended under this Act or whose registration was suspended under a predecessor of this Act, for more than one year, may apply in writing to the Registrar for the removal of the suspension only if at least one year has passed since the suspension.

Idem

24.—(1) If the Registrar proposes to suspend or revoke a licence, the Registrar may, if the Registrar considers it to be necessary in the public interest, by order, temporarily suspend the licence and the order shall take effect immediately.

Temporary order

(2) If a hearing is required with respect to a proposal to suspend or revoke a licence, the order expires fifteen days after the date of the notice requiring the hearing unless the hearing is commenced, in which case the Tribunal holding the

Hearing

hearing may extend the time of expiration until the hearing is concluded.

No licence

(3) If the Registrar by order temporarily suspends a licence under this section or section 22, the licensee shall during the term of the suspension be considered not to be licensed under this Act.

Stay

R.S.O. 1980,
c. 274

25. Despite the fact that a licensee appeals from an order of the Tribunal under section 11 of the *Ministry of Consumer and Commercial Relations Act*, the order takes effect immediately but the Tribunal may grant a stay until the disposition of the appeal.

Continuation

26. If in the time prescribed therefor or, if no time is prescribed before the expiry of the licensee's licence, a licensee applies in the manner prescribed for renewal of the licence and pays the fee prescribed, the licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) if the licensee is served with a notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, if a hearing is required, until the Tribunal has made its order.

Advertising

27.—(1) If the Director or the Registrar believes, on reasonable and probable grounds, that a person licensed under this Act has made a false or misleading public representation or that a representation is in contravention of this Act or the regulations, the Director or the Registrar shall order the person to stop making the representation and in the order shall set out the reasons for the order.

Compliance
with order

(2) A person who receives an order under subsection (1) shall immediately comply with the order and shall refrain from making the representation, in any form, in the future.

Appeal

(3) Any person who receives an order under subsection (1) may appeal the order to the Tribunal.

Stay of order

(4) The Tribunal may issue a stay of any order made by the Director or Registrar under subsection (1).

Repayment

28. If a person is entitled to the repayment of money paid for or on account of funeral services, the operator of the funeral establishment, the funeral director who managed or manages the operation of the funeral establishment and any

funeral director in the employ of the operator of the funeral establishment who received the money or any part thereof are liable jointly and severally with any other person who is liable for the repayment of the money.

29. A licence is not required with respect to rites and ceremonies traditionally provided at a place of worship. Place of worship

30.—(1) No person other than a person who is licensed to operate a funeral establishment or a transfer service and who is a participant in good standing in the Compensation Fund shall enter into or offer to enter into a prepaid contract with a purchaser. Prepaid contracts

(2) Subsection (1) does not apply to a person selling funeral supplies under the authority of the *Cemeteries Act, 1989*. Idem
1989, c. 50

31.—(1) No licensee shall enter into a prepaid contract that contains a provision for the payment of interment rights in a cemetery lot. Contracts

(2) All goods or services for which a licensee accepts payment in respect of one beneficiary shall be included in one prepaid contract. One contract

(3) No licensee shall enter into a prepaid contract that guarantees the price of any goods or services in the contract unless the price of all goods and services included in the contract are guaranteed. Guarantee

32.—(1) Prior to the death of the beneficiary, the purchaser or a person designated in the contract by the purchaser may cancel the contract at any time. Cancellation

(2) Prior to the death of the beneficiary but after the death of the purchaser, the beneficiary or the beneficiary's personal representative may cancel the contract at any time. Idem

(3) After the death of the beneficiary, only the beneficiary's personal representative may at any time cancel the contract prior to the delivery of all the services contracted for. Idem

(4) Subsections (1), (2) and (3) apply to contracts entered into before this Act comes into force. Idem

33. No person shall charge or accept any payment with respect to a prearrangement. Prearrangement fees

34.—(1) Every person who receives a payment under a prepaid contract shall hold the amount of the payment Trust

together with all income accrued thereon in trust until it is disbursed in accordance with this Act and the regulations.

Cancellation

(2) If a prepaid contract is cancelled, the person holding the funds in trust under the contract shall forthwith pay the funds and all income accrued thereon to,

- (a) if the prepaid contract is cancelled prior to the death of the beneficiary, the purchaser or the person set out in the contract;
- (b) if the prepaid contract is cancelled prior to the death of the beneficiary but after the death of the purchaser, the beneficiary; or
- (c) if the prepaid contract is cancelled after the death of the beneficiary, the estate of the beneficiary.

Deductions

(3) If a prepaid contract is cancelled after thirty days of the entering into of the contract, the person paying under subsection (2) may deduct from the amount paid such fees as are prescribed.

Application

(4) Subsection (1) does not apply to a payment made to an insurer under an insurance contract or plan.

Repayment

35.—(1) If a prepaid contract is fulfilled, the balance, if any, of the prepayment funds that are in excess of the cost of delivering the services and supplies contracted for shall be paid to the beneficiary's estate forthwith despite any contrary provision in the contract.

Costs

(2) The cost of delivering the services and supplies required under a prepaid contract shall not exceed the amount that would otherwise be charged for the same services and supplies if there had not been prepayment.

Contract requirements

36.—(1) A prepaid contract is not enforceable by an operator of a funeral establishment or transfer service unless,

- (a) it is written, signed by both parties and complies with the regulations;
- (b) it sets out the purchaser's cancellation rights under this Act; and
- (c) the operator delivers a signed copy of the contract to the purchaser at the time the contract is made.

(2) An operator of a funeral establishment or transfer service who receives money under a contract that is not enforceable because of the application of this section shall refund to the purchaser, immediately upon written demand, with interest at the prescribed rate, all money received. Refund with interest

(3) Subsection (2) does not apply after the supplies and services have been provided under the contract. Exception

37. Every licensee shall make such information as is prescribed available to the public in the manner and form prescribed. Public information

38.—(1) No person shall contact, in any way, a person in a hospital, nursing home or such other institution as is prescribed for the purpose of suggesting that a contract be made. Soliciting prohibited

(2) No person shall contact, by telephone or in person, a person for the purpose of suggesting that a contract be made. Idem

(3) This section does not prohibit, Exception

(a) a contact made at the request of the person being contacted; or

(b) a contact with a licensee.

39.—(1) No person shall operate a funeral establishment or transfer service in conjunction with the owner of a cemetery or crematorium in a manner that is prescribed. Prohibition

(2) No person shall operate a funeral establishment or transfer service from locations that are prescribed. Idem

40.—(1) If the Director or the Board is of the opinion that a person is not complying with this Act or the regulations, despite the imposition of a penalty in respect of the non-compliance and despite the fact that another remedy may be available, the Director or the Board may apply to a judge of the High Court for an order directing the person to comply. Restraining order

(2) Upon an application under subsection (1), the judge may make the order applied for or such other order as the judge thinks appropriate. Idem

(3) An appeal lies to the Divisional Court from an order made under subsection (2). Idem

41.—(1) If the Director has reasonable and probable grounds to believe that a licensee is doing or is about to do Freezing assets

something that will jeopardize the public interest, the Director may direct any person holding, having on deposit or controlling assets of the licensee or trust funds under the control of the licensee to hold the assets or trust funds until further instructions are received from the Director to release a particular asset or trust fund from the direction.

Scope of
direction

(2) In the case of a bank or a corporation, a direction under subsection (1) applies only to the offices, branches or agencies thereof named in the direction.

Application
for directions

(3) Any person named in a direction issued under subsection (1), if in doubt as to the application of the direction to particular assets or trust funds, may apply to the Director for an order of clarification.

Revocation
or
amendment
of direction

(4) On an application of a licensee or any other person having an interest therein, the Director may make an order on such conditions as are set out in the order revoking the direction or consenting to the release of a particular asset or trust fund from the direction.

Appeal

(5) A person affected by a direction or order of the Director made under this section or a refusal to make an order may appeal to the Tribunal.

Application

(6) Subsections 14 (6) to (11) apply with necessary modifications to an appeal to the Tribunal from a direction or order of the Director.

Inspectors

42.—(1) The Registrar or a Director may appoint inspectors for the purpose of determining whether there is compliance with this Act and the regulations.

Certificate of
appointment

(2) An inspector exercising a power under this Act shall, on request, produce his or her certificate of appointment.

Inspections

43.—(1) For the purpose of ensuring compliance with this Act and the regulations, an inspector may,

- (a) enter any place at any reasonable time;
- (b) request the production for inspection of documents or things that may be relevant to the inspection;
- (c) inspect and, upon giving a receipt therefor, remove, for the purpose of making copies or extracts, documents or things relevant to the inspection;

- (d) inquire into negotiations, transactions, loans or borrowings of a licensee and into assets owned, held in trust, acquired or disposed of by a licensee that are relevant to an inspection;
- (e) conduct such tests as are reasonably necessary; and
- (f) remove materials or substances for examination or test purposes subject to the licensee or other occupant of the premises being notified thereof.

(2) Subsection (1) does not apply to confer a power of entry to a room actually used as a dwelling without the consent of the occupier. Entry to dwellings

(3) A justice of the peace may issue a warrant authorizing the person named in the warrant, Warrant

- (a) to do anything set out in clause (1) (a), (c), (e) or (f);
- (b) to search for and seize any document or thing relevant to the inspection; or
- (c) to enter and search a room actually used as a dwelling.

(4) A warrant may be issued under subsection (3) if the justice of the peace is satisfied on information under oath that, in the case of a warrant to be issued under, Requirements for warrant to issue

- (a) clause (3) (a), an inspector has been prevented from doing anything permitted under clause (1) (a), (c), (e) or (f) or there is reasonable ground to believe that an inspector may be prevented from doing any of those things;
- (b) clause (3) (b), to search for and seize a document or thing that there is reasonable ground to believe will afford evidence relevant to a contravention of this Act or the regulations; or
- (c) clause (3) (c), it is necessary that a room actually used as a dwelling be entered for the purposes of carrying out an inspection or there is, in such a room, a document or thing that there is reasonable ground to believe is relevant to an inspection under this Act.

Execution of warrant (5) A warrant issued under this section shall specify the hours and days during which it may be executed.

Expiry (6) Unless renewed, a warrant under this section expires not later than thirty days after the date on which it is made.

Notice not required (7) A warrant under this section may be issued or renewed before or after expiry upon application without notice.

Experts (8) An inspector is entitled to call upon such experts as are necessary to assist the inspector in carrying out an inspection under this Act.

Assistance (9) A person doing anything under the authority of a warrant issued under this section is authorized to call on such police officers to assist and to use such force as is necessary in the execution of the warrant.

Copies (10) An inspector taking material in order to copy it shall make the copy with reasonable dispatch and shall promptly return the material taken.

Admissibility of copies (11) Copies of, or extracts from, documents and things removed under this section and certified as being true copies of, or extracts from, the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the documents or things of which they are copies or extracts.

Obstruction of inspector **44.**—(1) No person shall obstruct an inspector in carrying out an inspection under this Act or withhold, destroy, conceal or refuse to provide any relevant information or thing required for the purpose of the inspection.

Facilitating inspection (2) It is a condition of each licence issued under this Act that the licensee facilitate an inspection relevant to the licence.

Appointment of receiver and manager **45.**—(1) The Director or Registrar may apply to a judge or a local judge of the Supreme Court for the appointment of a receiver and manager of an involved funeral establishment or transfer service if,

(a) the Director or Registrar has reasonable and probable grounds to believe that a person licensed under this Act has failed or is about to fail to provide contracted and paid for funeral services to a client;

(b) the Director or Registrar is advised that a proposal to suspend or revoke a licence under section 21 or

to temporarily suspend a licence under section 24 has been made; or

- (c) the Director has directed or is about to make a direction under section 41.

(2) A judge, upon an application being made under subsection (1), without notice or, if the judge considers that notice should be given, upon such notice as the judge stipulates, may, if it is considered in the public interest and subject to the *Bankruptcy Act* (Canada), appoint a receiver and manager to take possession and control of the business of the person in respect of whom an action referred to in subsection (1) applies for a period not exceeding sixty days.

Idem

R.S.C. 1985,
c. B-3

(3) An appointment made under subsection (2) may be extended, upon an application without notice, for an additional period not exceeding sixty days.

Extension

(4) A receiver and manager appointed under subsection (2) shall take possession and control of the assets of the business and shall thereafter conduct the business and take such steps as in the opinion of the receiver and manager should be taken toward its rehabilitation.

Receiver and
manager
taking
control

(5) For the purposes of subsection (4), the receiver and manager have all the powers of the board of directors of the corporation, if the business is a corporation, or of a sole proprietor or all partners if the business is not a corporation and, without limiting the generality of the foregoing, the receiver and manager may,

Idem

- (a) exclude the directors, officers, servants and agents of the business from the premises and property of the business; and
- (b) carry on, manage and conduct the operations of the business and in the name of the business preserve, maintain, realize, dispose of and add to the property of the business and receive the incomes and revenues of the business.

(6) An order made under this section may be enforced in the same manner as any order or judgment of the Supreme Court and may be varied or discharged upon an application made by notice.

Enforcement
of order

(7) Upon an application being made under this section, the rules of practice of the Supreme Court apply.

Rules of
practice

Regulations

46.—(1) The Lieutenant Governor in Council may make regulations,

1. prescribing the manner in which trust accounts shall be kept and accounted for;
2. providing for the inspection of trust accounts;
3. prescribing the duties of depositories with respect to trust funds held under this Act;
4. requiring receipts to be given by licensees with respect to contracts;
5. providing for the establishment, maintenance and administration of the Compensation Fund;
6. prescribing provisions that relate to the investing and paying out of moneys from the Compensation Fund;
7. providing for the payment of levies into the Compensation Fund and prescribing the amounts of levies;
8. providing for appeals from a refusal to pay out of the Compensation Fund;
9. governing the powers and duties of the trustee administering the Compensation Fund;
10. requiring the purchase of bonds for the purpose of indemnifying the Compensation Fund;
11. prescribing the terms and amounts of bonds;
12. providing for payment out of the Compensation Fund of claims and procedures to be followed with respect thereto;
13. requiring participation in the Compensation Fund by licensees;
14. on any matter relating generally to the purchase, renewal or terms of a bond or the disposition of payments received thereunder;
15. governing the form and content of contracts and receipts, including the cancellation of contracts;

16. prescribing the terms that a contract shall be deemed to contain;
17. prescribing conditions under which contracts may be assigned and prohibiting assignments that are not in accordance with the prescribed conditions;
18. regulating, limiting or prohibiting the soliciting of contracts;
19. governing the term during which each class or type of licence is valid;
20. exempting any person or thing or class of person or thing from the application of any provision of this Act or the regulations and prescribing conditions for any exemption;
21. authorizing persons, other than funeral directors, to perform specified acts in the providing of funeral services under the supervision or direction of a funeral director;
22. governing the books, accounts, records and information that shall be kept by licensees and that shall be filed with the Registrar;
23. prescribing fees and requiring the payment of fees;
24. prescribing forms and providing for their use;
25. prescribing educational requirements and testing requirements on an initial and ongoing basis for licensees and employees of licensees;
26. governing applications for licences and renewals of licences;
27. prescribing classes of licences;
28. governing the requirements and qualifications for the issuing of licences and prescribing the conditions for obtaining and maintaining a licence;
29. governing standards of practice and operation for licensees;
30. respecting the methods and materials that may be used in providing funeral services;

31. prohibiting or governing the advertising of funeral services or funeral supplies and prohibiting or governing the display of funeral supplies to the public;
32. governing the construction, location, equipment, maintenance, repairs, additions and alterations to funeral establishments and governing the information, plans and materials to be furnished to the Registrar with respect thereto;
33. governing the equipment and practices, including hygienic practices, with respect to the embalming, transportation, preparation and disposal of dead human bodies;
34. regulating, controlling and prohibiting the use of terms, titles or designations by licensees;
35. prescribing practices or actions that are evidence of incompetence or lack of honesty and integrity;
36. governing the availability and display of funeral services and funeral supplies;
37. prescribing specifications and minimum requirements for funeral services and funeral supplies;
38. prescribing, for any notice required to be given under this Act, the type of notice and the manner in which it is to be given;
39. governing the payment of money into and out of trust funds, including the time within which and the circumstances under which payments are to be made;
40. providing for the maintenance and inspection of registers of persons who are licensed;
41. prescribing anything that is referred to in this Act as being prescribed.

Limited
application

(2) A regulation made under this Act may be of limited application.

Retroactive

(3) A regulation made under this section may be retroactive in effect and may apply to contracts entered into before this Act comes into force.

Offence

47.—(1) Every person who,

- (a) furnishes false, misleading or incomplete information in an application under this Act or in a statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with a direction or order made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

is guilty of an offence.

(2) Every director or officer of a corporation who concurs in an offence under this Act is guilty of an offence. Idem

(3) An individual who is convicted of an offence under this Act is liable to a fine of not more than \$20,000 and on a subsequent conviction to a fine of not more than \$20,000 and to imprisonment for a term of not more than one year. Idem

(4) A corporation that is convicted of an offence under this Act is liable to a fine of not more than \$40,000. Idem

(5) No proceeding under this section shall be commenced more than two years after the facts upon which the proceedings are based first came to the knowledge of the Director. Limitation

(6) A statement as to the time when the facts upon which proceedings are based first came to the knowledge of the Director purporting to be certified by the Director is, without proof of the office or signature of the Director, admissible in evidence in any proceeding, in the absence of evidence to the contrary, as evidence of the facts stated therein. Certificate as evidence

(7) If a person is convicted of an offence under this Act, the court making the conviction may, in addition to any other penalty, order the person convicted to make compensation or restitution in relation thereto. Restitution

48.—(1) Every person employed in the administration of this Act, including any person making an inspection under this Act and any member of the Board or a committee of the Board, shall preserve secrecy with respect to all matters that come to the person's knowledge in the course of the person's duties, employment, inquiry or inspection and shall not communicate any such information to any other person except, Matters confidential

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;
- (b) to the person's counsel;
- (c) with the consent of the person to whom the information relates; or
- (d) to an employee of the Ministry of Consumer and Commercial Relations or to an employee of another ministry who requires the information in the performance of his or her duties and if disclosure is necessary for the administration of this Act or any other Act and the regulations thereunder administered by the Minister.

Idem

(2) The Ministry of Consumer and Commercial Relations or another ministry may disclose information in its custody or control to an employee of the Board if,

- (a) the personal information is reasonably required to verify the truth of the contents of an application for, or an application for renewal of, a licence or to verify the truth of any other information supplied in support of any such application; or
- (b) the Ministry or agency of the Ministry has reasonable grounds to believe that the personal information is relevant to a person's qualification to hold a licence.

Testimony in
civil suit

(3) No person to whom subsection (1) applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by the person in the course of the person's duties, employment, inquiry, investigation or inspection except in a proceeding under this Act or the regulations.

Certificate as
evidence

49. A statement as to,

- (a) the licensing or non-licensing of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar; or
- (c) any other matter pertaining to licensing, non-licensing, filing or non-filing,

containing information from the records kept by the Registrar under this Act purporting to be certified by the Registrar under the seal of the Board is, without proof of the office or signature of the Registrar, admissible in evidence in any proceeding, in the absence of evidence to the contrary, as evidence of the facts stated therein.

50.—(1) A notice, order or other document under this Act or the regulations is sufficiently given, served or delivered if delivered personally or sent by first class mail addressed to the person to whom it is to be given, served or delivered at that person's last known address. Service

(2) A notice, order or other document sent by first class mail in accordance with subsection (1) shall be deemed to be given, served or delivered on the fifth day after the day of mailing, unless the person to whom it is sent establishes that the notice, order or other document was not received until a later date because of absence, accident, illness or other cause beyond that person's control. Idem

51.—(1) A funeral director who is registered with the Board of Funeral Services under the *Funeral Services Act* on the date this Act comes into force is deemed to be licensed as a funeral director until the expiration of the licence, unless the licence is sooner surrendered, suspended or revoked. Transition
R.S.O. 1980,
c. 180

(2) A person who is licensed with the Board of Funeral Services under the *Funeral Services Act* to establish and maintain a funeral services establishment on the date this Act comes into force is deemed to be licensed to operate a funeral establishment until the expiration of the licence, unless the licence is sooner surrendered, suspended or revoked. Idem

52. The board known as the Funeral Services Review Board is dissolved and any matter before the Board on the date this Act comes into force shall be dealt with by the Tribunal. Funeral
Services
Review
Board not
continued

53. The following are repealed: Repeals

1. The *Funeral Services Act*, being chapter 180 of the Revised Statutes of Ontario, 1980.
2. Section 3 of the *Mobility Rights Statute Law Amendment Act, 1985*, being chapter 5.
3. The *Prearranged Funeral Services Act*, being chapter 387 of the Revised Statutes of Ontario, 1980.

Commence-
ment

54. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

55. The short title of this Act is the *Funeral Directors and Establishments Act, 1989*.